

MINUTES OF MARION CITY COUNCIL REGULAR MEETING
CITY COUNCIL CHAMBERS
TUESDAY, JULY 14, 2015
6:30 P.M.

A regular meeting was held by City Council on Tuesday, July 14, 2015 at 6:30 p.m. over which Mayor Bobby L. Davis presided. Council members Michael Baker, Ronald Atkinson, Ralph Atkinson, Odessa Gregg, Joseph Frazier and Emerson Hunt were present. Also present were City Administrator Alan Ammons, City Treasurer Patricia Brown, City Clerk Pam Jones and City Attorney Catoe.

Mayor Davis called the meeting to order and Councilwoman Gregg gave the opening prayer. Mr. Ammons led the Pledge of Allegiance. Mayor Davis welcomed citizens, guests and the press. (Hometown TV).

Councilman Michael Baker made a motion to approve the minutes of the regular meeting on June 9, 2015, seconded by Councilman Joseph Frazier; motion carried.

Regarding the 2nd Reading on **ORDINANCE 15-08, AN ORDINANCE OF THE CITY OF MARION, SOUTH CAROLINA, TO AMEND ORDINANCE 99-03 OF THE MUNICIPAL CODE**, Mayor Pro-tem Atkinson commented that this Ordinance appears to have been amended from the 1st Reading.. Mayor Davis responded that some Council members wanted additions to the Ordinance and the Attorney made some clarifications on the Ordinance from the 1st Reading. Councilman Hunt asked for clarification on the language of the Ordinance regarding how Council members would be disciplined and does not see where that has been addressed. He commented that he felt this Ordinance was an attempt to stifle freedom of speech. It appears that if a Council member wants to ask a question he must first direct the question to the Mayor who will then ask the question to the appropriate party and Councilman Hunt would like this clarified. The Parliamentarian responded that the Council member could ask the question directly, but must first notify the Mayor that he would like to ask the question. Councilman Hunt inquired if a question could only be asked at the Mayor's discretion, to which the Attorney responded that when she says "discretion", it is as to whether it is pertinent to the discussion at hand. The Attorney agreed with Councilman Hunt that this was very vague. Mayor Davis commented that according to Robert's Rules of Order, everything should be addressed to the chair (Mayor). Councilman Hunt commented that there is nothing specific in the Ordinance that says what can and cannot be asked and believes that this Ordinance violates the Constitution and is contrary to the law of the South

Carolina General Assembly, which was signed by the Governor, who has the power to discipline Council members. Councilman Hunt further commented that he did not think it was ever intended for the Mayor or the majority of Council to decide what questions could be asked, when the citizens elected us for that duty; if that duty cannot be afforded to the citizens it is almost like a dictatorship. Councilman Hunt stated that if this Ordinance passes, it is his intention to challenge it in court, even if it has to go to the Supreme Court of South Carolina. Councilman Hunt inquired as to how quickly he could get a signed copy of this Ordinance after the vote. Mayor Davis responded that since this is the 2nd Reading and those who are going to sign will do so tonight and Councilman Hunt could get a copy tonight. Mayor Davis commented there was nothing unconstitutional about this Ordinance as we have attorneys who interpret the law and that we are going to be civil during our meetings. Council Hunt stated that at the last meeting he asked the Attorney to provide us with specific guidelines in which Council members, under this Ordinance, could be disciplined, and believes it is on record, that Council members can be voted off Council by a majority of the Council, takes away the voting power of the citizens and allows the Council to ultimately decide who is allowed to stay on Council and who has to go and wants this on the record. The citizens should know this Ordinance is so vague and can be interpreted in a way he doesn't the South Carolina Constitution intended it. Mayor Davis responded that we have attorneys whose job it is to draft this and to make sure we are within the Constitution and the law and you may challenge this to the courts. Councilman Michael Baker made a motion to approve 2nd Reading on **ORDINANCE 15-08, AN ORDINANCE OF THE CITY OF MARION, SOUTH CAROLINA, TO AMEND ORDINANCE 99-03 OF THE MUNICIPAL CODE**, seconded by Councilman Joseph Frazier and carried by a **4-3** vote. Mayor Bobby L. Davis, Council members Michael Baker, Joseph Frazier and Odessa Gregg voted **yes** and Mayor Pro-tem Ronald Atkinson and Council members Ralph Atkinson and Emerson Hunt voted **no**.

Mayor Bobby L. Davis presented the Mayor's Monthly Beautification Award to the Azalea Garden Club for their continued efforts in keeping Marion beautiful and also keeping the property around the old Heritage Sportswear building cleared of debris. On behalf of the garden club, Mrs. Sandy Levy thanked the Mayor for recognizing them with this award.

Firefighter Jimmy Collins of the Marion Fire Department was named *June Employee of the Month* and presented with a gift certificate. Mayor Davis thanked Jimmy for his excellent service to the City of Marion.

On behalf of the Mayor, City Clerk Pam Jones read a Letter of Recognition to Mr. Michael Podboreski, a 94 year old veteran of World War II and long-time resident of Marion. Mayor Davis presented a framed copy of the letter to Mr. Podboreski.

Marion Firefighters Josh Brown and Ethan Brown were recognized for winning the 2015 State EMT Competition at the Annual SC Firefighter's Convention in June. Mayor Davis presented each with a personalized "Foxhead" from the City, recognizing them for this outstanding achievement. Mayor Davis thanked Chief Cooper for the good job being done at the Fire Department.

Mr. Willie Brigman was not present to make his request.

Councilman Emerson Hunt made a motion to allow the St. Phillips United Methodist Women use of the C. D. Joyner parking lot for a fund raiser to be held on August 1st from 6 a.m. to 12 noon, seconded by Councilman Michael Baker; motion carried.

On behalf of the Shannon Wilkerson Gym Committee, Mr. T. Carroll Atkinson asked that the City allow the committee to erect an outdoor sign honoring Coach Wilkerson, complete with a brick foundation and enhancements, and also landscaping for the area surround the sign, which will include solar lighting. The sign will face Bobby Gerald Parkway, The City will not be asked for any additional monies as the committee has raised enough to complete everything. Councilman Ralph Atkinson made a motion to honor the request from the committee as presented, seconded by Councilman Emerson Hunt; motion carried.

Mayor Pro-tem Ronald Atkinson made a motion to extend the Auditor's Agreement with Kenneth Cobb & Company through the 2015-16 fiscal year and that RFP's will be sent out for the fiscal year 2016-17, seconded by Councilman Emerson Hunt. The motion carried **6-1** with Councilman Ralph Atkinson voting **no**.

Councilman Joseph Frazier made a motion to approve the School Resource Officers Program Agreement as presented, seconded by Councilman Michael Baker; motion carried.

Councilman Joseph Frazier made a motion to approve the Memorandum of Agreement with DJJ as presented, seconded by Councilman Michael Baker; motion carried.

ADMINISTRATOR'S REPORT

Mr. Ammons stated that the repairs on the Opera House roof have been completed. Various worn spots on the asphalt on the Hike-Bike Trail have been cut out and replaced. Notices from E-911 regarding address changes were sent to Council and Mr. Ammons will send any further address changes to Council when received from E-911.

CITY ATTORNEY'S LEGAL UPDATE

The Attorney reported that during the week of July 6, Boykin-Davis handled 13 municipal court appeals on behalf of the City. These were old appeals and had been pending for an extended period of time. Out of 13 appeals, only 1 appeal was granted, 1 was continued and the remaining 11 were dismissed and the municipal judgements were upheld.

DEPAFRMENTAL REPORTS

Mayor Davis stated that Council received departmental reports in the packets. Mrs. Mary Frazier commented that the Voucher Committee issued several grass voucher to residents in the past month. This is especially helpful to our elderly residents who are unable to maintain their property. Mr. Hezekiah Norman commented that everything was ok with the Housing Authority. Ms. Dolly Boyer, District 4 Neighborhood Watch, commented that August 4th was National Night Out and the A-team will host a neighborhood party from 6:00 -8:00 p.m. Chief Dewayne Tennie invited everyone to the Marion Police Department's Open House being held on August 25th from 5:00 – 6:30 p.m.

DISTRICTS AND CITY UPDATE FROM COUNCIL AND MAYOR

Councilman Emerson Hunt had no comment at this time.

Councilwoman Odessa Gregg asked that Mr. Ammons check on limbs and overgrowth near the stop sign on Huggins and Pee Dee Circle.

Councilman Ralph Atkinson had no comment at this time.

Mayor Pro-tem Ronald Atkinson if the City property (Cheezem) has been sold and closed, the "for sale" sign needs to be taken down. He also inquired about the "sold" sign in front of the old

hospital. (Mayor Davis will update that information in his remarks) He thanked the Marion Baptist City Changers for painting Grice's Recreation Center, a job well done.

Councilman Joseph Frazier thanked the District 4 Watch for all they are doing and commented that he would not be able to attend the District 4 Night Out on August 4th as he would be out of town during that time. Thanked the City for sending the sweeper down to his end of town.

Councilman Michael Baker had no comment at this time.

Mayor Bobby L. Davis also thanked the City Changers for painting Grice's and commented on the excellent work they did and they didn't ask for anything. They will be recognized at the next Council meeting. The sale of the Bible College is expected to close on July 31st and at that time they want to meet with Mayor Davis and Mr. Ammons to discuss some possibilities for the building. They will be using local people to help clean up the property. Four 2015 State Softball Championships were held last week and this week at the Green Street Complex. We had players, parents and visitors from all over the state in town for these tournaments. Ms. Victoria Halydier, Executive Director of Governor Haley's Original Six Foundation, met with several community leaders to find out how the Foundation could help Marion and Marion County. The Foundation will establish a Wi-Fi hub at the HMRA building so anyone with a computer will have a place to use the internet for free. She will also be looking into other things to help us in Marion. Mayor Davis commented that we want to start teaching our seniors how to use the computer. The City put four computers in Grice's and they are currently being used for Math and Reading in the Summer Camp Program. The seniors will be able to come to Grice's and be taught basic computer skills from the Urban League kids who are helping us this summer. We also want to take any interested seniors to visit and tour the Capitol in Columbia. For those seniors who want to go, Mayor Davis is soliciting funds in order to provide a free trip on a commercial bus. Summer Camp is going well, with at least 100 kids every day, and as many as 160 on some days. Mayor Davis thanked the Healthcare Foundation who gave a mini grant so the kids could go to Wild Water & Wheels in Surfside Beach. Mayor Davis asked that anyone who has any suggestions on how to further improve our City, please do not hesitate to call. We want to move forward in a positive way.

EXECUTIVE SESSION

Councilman Joseph Frazier made a motion to enter Executive Session to discuss a contractual matter regarding the Fire Department, seconded by Councilman Ralph Atkinson; motion carried. Upon returning from Executive Session, Mayor Davis stated that no action was taken. Mayor Pro-tem Ronald

Atkinson made a motion to return to Open Session, seconded by Councilman Joseph Frazier; motion carried.

ADJOURNMENT

With no further business to discuss, Councilman Michael Baker made a motion to adjourn, seconded by Councilman Ralph Atkinson; motion carried.

Mayor Bobby L. Davis

City Clerk Pam Jones

Taped July 14, 2015